

HB 490 – REVISE JURY SELECTION
FOR: SENATE JUDICIARY COMMITTEE

DATE: MARCH 12, 2009

SUBMITTED BY: Mary "Marty" Phippen, Lobbyist
Montana Association of Clerks of District Court

Under 3-15-402, MCA, the Secretary of State has the duty of combining the Registered Voter list with the Driver's License/ID Holder list to produce a list of jurors to the clerks of court. Further, the Secretary of State must ensure that a person's name appears only one time on the combined list. One thing that became abundantly apparent in the 2008 juror process was that citizens do not always provide the exact name information in both systems. For instance, in one system a citizen will provide first, middle and last name and in the other system only first and last name. The only way to determine if the names represent the same person is to also compare other data elements such as date of birth, driver's license number or last four of the social security number. Data such as date of birth, driver's license number, ID card holder number and last four of Social Security number are common data elements existing in both the Secretary of State Voter system and the Department of Justice driver system. Under 61-5-127, date of birth is already a data element which the Department of Justice may provide to the Secretary of State. HB 490 amends 61-5-127 to allow the Department of Justice to provide the driver's license number/ID holder number and last four of Social Security number to the Secretary of State for the purpose of combining the lists.

The clerks of court are very supportive of this piece of legislation because the exchange of these data elements is critical in providing them with a list of qualified

jurors containing as few duplicates as possible. Although duplicates could be completely avoided if citizens would simply provide consistent name data to all government agencies, these same citizens tend to be very critical of the clerks of court when their names appear twice on a list causing them to receive two jury questionnaires, one with each name. They view this as one more example of inefficiency in government.

HB 490 also provides for the Secretary of State rather than the Department of Justice to determine city and county of residence for potential jurors. The Secretary of State already has the address library for assigning voters to the proper precinct for voting purposes so it only makes sense that the same address library be used to ensure that licensed drivers and ID card holders, who are not in the voter system, are assigned to the proper county and city. Again, the clerks of court support this change because we are concerned with receiving data which is accurate.

For these reasons, your support of HB 490 is greatly appreciated. Thank you.